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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BAINS LLC d/b/a Flying B,

10 Plaintiff,

No. C01-235Z

11 v.

ORDER

12 ARCO PRODUCTS COMPANY,

13 Defendant.

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15 The Court received the Ninth Circuit mandate in Bains LLC v. ARCO Products
16 Company, 405 F.3d 764 (9th Cir. 2005), dated September 7, 2005. Thereafter, this Court
17 directed Plaintiff to file a notice of election for either a new trial or acceptance of remittitur
18 reducing the punitive damages to an amount between \$300,000 and \$450,000. Docket no.
19 193. On September 15, 2005, Plaintiff elected to accept the remittitur. Docket no. 194. The
20 parties subsequently submitted briefs regarding the appropriate amount of punitive damages
21 within the \$300,000 to \$450,000 range set by the Ninth Circuit. Docket nos. 195, 197.

22 Having considered the opinion of the Ninth Circuit and the briefs of both parties, the
23 Court hereby Orders Plaintiff's punitive damage award reduced to \$450,000. For the reasons
24 stated in the Court's Order Denying Defendant's Motion to Set Aside Punitive Damages,
25 docket no. 165, the Court continues to find ample support in the record for a punitive
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1 damages award at the high end of the range specified by the Ninth Circuit in Bains. See 405
2 F.3d at 777. Accordingly, the Clerk is directed to enter an amended Judgment as follows:

3 (1) The jury having found in favor of plaintiff Bains LLC on its first claim, plaintiff is
4 awarded \$1.00 as economic damages, \$450,000 in punitive damages, and interest accruing
5 thereon from the date of the original Judgment, June 21, 2002, at 2.13% pursuant to 28
6 U.S.C. § 1961, against defendant Arco Products Company, a Delaware Corporation.

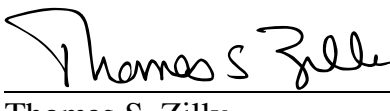
7 (2) The jury having found in favor of plaintiff Bains LLC on its second claim, plaintiff
8 is awarded \$50,000, and interest accruing thereon from the date of the original Judgment,
9 June 21, 2002, at 2.13% pursuant to 28 U.S.C. § 1961, against defendant Arco Products
10 Company, a Delaware Corporation.

11 (3) Plaintiff is awarded \$402,082.40 in attorney fees and costs as identified in the
12 Court's Order of August 28, 2002, docket no. 166, and interest accruing thereon from the
13 date of the Order at 1.81% pursuant to 28 U.S.C. § 1961, against defendant Arco Products
14 Company, a Delaware Corporation.

15 (4) Plaintiff is awarded \$50,916.36 in supplemental attorney fees and costs as
16 identified in the Court's Order of October 2, 2002, docket no. 174, and interest accruing
17 thereon from the date of the Order at 1.68% pursuant to 28 U.S.C. § 1961, against defendant
18 Arco Products Company, a Delaware Corporation..

19 IT IS SO ORDERED.

20 DATED this 13th day of October, 2005.

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23 Thomas S. Zilly
24 United States District Judge
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